



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Scott ARUTH, et al.)

FEB 04 2002

Serial No.: 09/611,220)

Group Art Unit: 1631

TECH CENTER 1600/2900

Filed: July 6, 2000)

Examiner: Allen, M.)

For: NEURAL-NETWORK-BASED IDENTIFICATION, AND APPLICATION, OF
GENOMIC INFORMATION PRACTICALLY RELEVANT TO DIVERSE BIOLOGICAL
AND SOCIOLOGICAL PROBLEMS, INCLUDING DRUG DOSAGE ESTIMATION)

Atty's Docket No.: DIA 0002P)

#3/A
Plunkett
2/17/02
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irradiated mail

San Diego, California
November 1 2001

AMENDMENT UNDER 37 C.F.R. §115

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

Timely in response to the first Office Action mailed October 1, 2001, please amend the above-identified patent application as follows:

In The Claims

Please cancel claims 1-8, 11-13 and 16-26 without prejudice as being directed to un-elected inventions.

REMARKS

Claims 10 and 14-15 are in the application. Consideration and substantive examination are respectfully requested.

1. Requirement for Restriction Under 35 U.S.C. §121

A Requirement for Restriction Under 35 U.S.C. §121 has been

made between invention the following inventions:

I. Claims 1-6, drawn to a computerized method of identifying a statistically significant group of datums, classified in at least class 702, subclass 19 and class 706, subclass 15.

II. Claims 7-8, drawn to a method of identifying clinically relevant alleles, classified in at least class 702, subclass 21 and class 706, subclass 15.

III. Claims 9 and 14-15, drawn to a method for predicting an adverse reaction, classified in at least class 702, subclass 19 and class 706, subclass 15.

IV. Claims 10 and 14-15, drawn to a method for predicting optimal drug dosage, classified in at least class 702, subclass 19 and class 706, subclass 15.

V. Claims 11 and 14-15, drawn to methods of identifying suitable therapy, classified in at least class 702, subclass 19 and class 706, subclass 15.

VI. Claims 12 and 14-15, drawn to methods of identifying and predicting susceptibility to disease, classified in at least class 702, subclass 19 and class 706, subclass 15.

VII. Claims 13 and 14-15, drawn to methods of predicting at least one clinical result, classified at least class 702, subclass 19 and class 706, subclass 15.

VIII. Claims 16-18, drawn to methods of training a neural net, classified in at least class 702, subclass 19 and class 706, subclass 15.

IX. Claims 19-20, drawn to methods of reducing computational cost and complexity, classified in at least class 702, subclass 19 and class 706, subclass 15.

X. Claim 21, drawn to a method of predicting drug interactions, classified at least class 702, subclass 19 and class 706, subclass 15.

XI. Claims 22-26, drawn to methods of identifying a set of universal functional categories of genomic information,

classified at least class 702, subclass 19 and class 706, subclass 15.

Applicants elect **without** traverse the Invention of Group IV, claims 10 and 14-15. There is **no** change of inventorship.

Applicants understand that claims 14-15 will be examined only to the degree that they reflect the elected method of claim 10.

2. Summary

The present amendment and remarks have addressed the Requirement for Restriction Under Rule 121 set forth in the Office Action. No new subject matter has been introduced by the present amendment.

In consideration of the preceding amendment and accompanying remarks, the present application is deemed in condition for substantive examination. The timely action of the Examiner to that end is earnestly solicited.

Applicant's undersigned attorney is at the Examiner's disposal should the Examiner wish to discuss any matter which might expedite prosecution of this case.

Sincerely yours,

William C. Fuess

William C. Fuess
Registration Number 30,054

William C. Fuess
FUESS & DAVIDENAS
Attorneys at Law
10951 Sorrento Valley Road
Suite II-G
San Diego, California 92121-1613
Telephone: (858) 452-8293
Facsimile: (858) 452-6035
E-mail: fuess@pacbell.net

[X] Attorney of Record
[] Filed Under 37 CFR §1.34(a)



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Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

Transmitted herewith is/are the following document(s) related to
the above-identified patent application:

- | | |
|---|-----------------------------------|
| () Acknowledgement of Receipt Card | () Request for Reconsideration |
| () Disclosure Statement/37 CFR §1.56 | () Affidavit Under 37 CFR §1.131 |
| () Preliminary Amendment | () Affidavit Under 37 CFR §1.132 |
| () _____ Month Extension of Time Under | () Notice of Appeal |
| 37 CFR §1.136 (fee noted below) | () Appeal Brief (in triplicate) |
| () Response Under 37 CFR §1.111 | () Reply Brief |
| (X) Amendment Under 37 CFR §1.115 | () Certificate of Mailing |
| () Amendment After Final Rejection | () Communication |
| Under 37 CFR §1.116 | () Change of Address in |
| () Power of Attorney by Inventor | Application |

CLAIMS AS AMENDED

:	:	:	Highest No.	:	:	:	:
: Claims Remaining	:	:	Previously	:	Present	:	Add'l
: After Amendment	:	:	Paid For	:	Extra	:	Rate
							Fee
Total Claims:	3	: minus:	20	:	0	: x \$ 9=:	\$
Ind. Claims :	1	: minus:	9	:	0	: x \$42=:	\$
Multiple Dependent Claim Fee							\$
Fee for Extension of Time (Months)							\$ 0
TOTAL FEE DUE							\$ 0

- () Applicant(s) hereby petition for a ___ month extension of time under 37 CFR §1.136 (fee noted above).
- (X) No additional fee is required.
- () Enclosed is a check for \$_____ in full payment of the above fees. The Commissioner is hereby authorized to charge payment of any additional patent application filing fees under 37 C.F.R. §1.16, 37 C.F.R. §1.17, or patent issue fee under 37 C.F.R. §1.18 associated with this communication or credit any overpayment to Deposit Account No. ____-____.

A duplicate copy of this letter is enclosed.

Sincerely yours,

William C. Fuess

William C. Fuess
Registration Number 30,054

William C. Fuess
FUESS & DAVIDENAS
Attorneys at Law
10951 Sorrento Valley Road
Suite II-G
San Diego, California 92121-1613
Telephone: (858) 452-8293
Facsimile: (858) 452-6035
E-mail: fuess@pacbell.net

[X] Attorney of Record
[] Filed Under 37 CFR §1.34(a)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date written below.

November 1, 2001
Date

William C. Fuess
Typed Name of Person
Mailing Correspondence

William C. Fuess
Signature of Person Mailing
Correspondence

CERTIFICATE OF MAILING

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<u>November 1, 2001</u>	<u>William C. Fuess</u>	<u>William C. Fuess</u>
Date	Typed Name of Person	Signature of Person Mailing
	Mailing Correspondence	Correspondence